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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

<p>DENISE FABRIZIUS and WILLIAM FABRIZIUS, Plaintiffs, vs.  DR. KEITH R. SHULTZ, M.D., YELLOWSTONE SURGERY CENTER, DOES 1 through X, and DOES 1 through X, inclusive,  Defendants.</p>	<p>Cause No.: 08-114-BLG-RFC  <b>Plaintiff's Motion for Partial Summary Judgment Regarding Yellowstone Surgery Center's Liability for the Actions of Dr. Keith Shultz</b></p>
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Plaintiffs Denise Fabrizius and William Fabrizius hereby move this Court for partial summary judgment finding Yellowstone Surgery Center ("YSC") is liable for the actions of Dr. Keith R. Shultz while performing his duties at Yellowstone Surgery Center. This motion is supported by Plaintiffs' Brief in Support.

The undersigned has contacted counsel for Defendant YSC and he objects to this motion.

Dated this 31<sup>st</sup> day of August, 2009.

/s/ David R. Paoli.

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